

ASSEMBLY BILL

No. 1416

Introduced by Assembly Member Galgiani

February 27, 2009

An act to repeal and add Sections 2883 and 4532 of the Business and Professions Code, relating to the healing arts. An act to amend Section 41754 of, and to add Sections 43018.3 and 43018.4 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1416, as amended, Galgiani. ~~Vocational nursing and psychiatric technicians: school accreditation.~~ *Emission control regulations: groundwater drilling: portable engines, off-road vehicles, and on-road vehicles.*

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law requires the state board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants, including standards for off-road and nonvehicle engine categories.

This bill would prohibit the state board from imposing specified emission control requirements on portable engines, off-road vehicles, or on-road vehicles used by a person holding a C-57 or C-61 (D-21 subcategory) license issued by the Contractors' State License Board for water well drilling, reconstruction, or maintenance, or water pump

installation, repair, or maintenance, until 5 years after the emergency declared by the Governor on February 27, 2009, relating to a statewide water drought, has been proclaimed terminated. The state board would be required to evaluate regulations adopted by the state board on or before December 31, 2009, imposing requirements on portable engines, off-road vehicles, and on-road vehicles, and amend those regulations where necessary, to minimize the adverse impacts of multiple regulations adopted by the state board on those regulated by the regulations. The state board would be prohibited from imposing reporting requirements for off-road diesel-fueled fleets until January 1, 2015, at the earliest.

~~Existing law requires the Board of Vocational Nursing and Psychiatric Technicians of the State of California, through an official representative, to inspect all vocational nursing schools and psychiatric technician schools when it deems necessary and, based on that representative's report, to determine whether to approve the school as accredited or to exclude the school from its accredited schools lists.~~

~~This bill would require the board to cause these inspections to be conducted at regular intervals and other times the board deems necessary, and by site visit or review of documents required by the board, or both, as determined by the board.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares all of the*
- 2 *following:*
- 3 *(a) Californians receive about one-third, and in times of drought*
- 4 *about one-half, of their water supply from groundwater sources.*
- 5 *United States Geological Survey and United States Environmental*
- 6 *Protection Agency data show groundwater serves about 19.4*
- 7 *million residents of the state.*
- 8 *(b) The state is in the third consecutive year of drought*
- 9 *conditions and the Department of Water Resources has noted that*
- 10 *this drought could be the worst in the recorded history of the state.*
- 11 *The Governor declared a statewide drought emergency on*
- 12 *February 27, 2009, and directed state agencies to take action.*
- 13 *(c) Water supplies are in a critical, long-term state of shortage*
- 14 *as a result of rising population, environmental demands for water,*
- 15 *and a stable but aging water infrastructure.*

1 (d) Recent economic conditions have seen unemployment of
2 over 10 percent in the business sector and even more in the
3 agricultural sector.

4 (e) The lack of water supplies needed for agriculture has
5 resulted in land fallowing and crop losses estimated to reach 3
6 billion dollars in lost revenue by the end of 2009, and insufficient
7 water supplies will continue to reduce the state's overall economic
8 well-being and exacerbate the current adverse economic
9 conditions.

10 (f) According to the Contractors' State License Board, the
11 groundwater drilling industry is comprised of about 960 licensed
12 contractors, and is thus a very small proportion of the state's
13 contractors, and yet the industry's viability is critical to the state's
14 well-being, particularly in this drought period.

15 (g) The California Groundwater Association has been
16 representing the state's groundwater industry for over 60 years
17 and is recognized as a significant source of information on
18 groundwater matters and represents the majority of the
19 groundwater drilling industry.

20 (h) The California groundwater industry uses high cost, long
21 lifetime equipment, which is subject to multiple regulations of the
22 State Air Resources Board.

23 (i) Most of the equipment that the groundwater drilling industry
24 uses has low or limited mileage. For example, drill rigs are
25 generally driven less than 4,000 annual miles because drill rigs
26 are stationary while drilling.

27 (j) The majority of the state's groundwater drilling firms are
28 small, family owned businesses with limited financial resources,
29 which are now facing downsizing, closure, or retirement of
30 expensive equipment as a result of State Air Resources Board
31 regulations.

32 (k) This downsizing in the groundwater drilling industry would
33 severely impact the ability of the state's citizens and agricultural
34 industry to obtain needed groundwater supplies.

35 (l) Maintaining groundwater supplies in times of drought is of
36 paramount importance to maintain the economic and social
37 well-being of the state.

38 (m) Many contractors throughout California, encompassing
39 many trades even beyond the groundwater industry, have reported
40 that they are impacted by multiple State Air Resources Board

1 regulations on portable engines, off-road equipment, and on-road
2 vehicles. A single project may involve the use of equipment subject
3 to all these rules. The complexity of these separate and differing
4 regulations creates confusion and misunderstanding that may
5 result in delays to become in compliance with reporting and other
6 requirements of the regulations.

7 (n) Many smaller contractors do not have the staff to timely
8 handle the paperwork requirements of reporting equipment and
9 compliance provisions for a single regulation, let alone two or
10 three or more different rules.

11 (o) It has been reported that there is a widespread perception
12 that the current regulations will be changed or eliminated due to
13 economic impacts. Some contractors have even reported reluctance
14 from third-party mechanics to undertake engine retrofits or
15 replacements as they may incur wrath from contractors for
16 unnecessary work if the regulations are modified or eliminated.
17 These perceptions have led to slower acceptance of the regulations
18 resulting in delays in compliance with existing requirements.

19 SEC. 2. Section 41754 of the Health and Safety Code is
20 amended to read:

21 41754. (a) The regulations adopted by the state board, ~~on or~~
22 ~~before July 1, 1997~~, shall include, but need not be limited to,
23 provisions that ensure all of the following:

24 (1) That emissions from portable equipment subject to the
25 statewide registration program will not, in the aggregate, interfere
26 with the attainment or maintenance of state or federal ambient air
27 quality standards and the emissions from any one portable
28 equipment engine, exclusive of background concentration, shall
29 not cause an exceedance of any ambient air quality standard. This
30 paragraph shall not be construed as requiring portable equipment
31 operators to provide emission offsets for portable equipment
32 registered under the program.

33 (2) (A) That, to the extent not in conflict with federal law, the
34 registration program preserves the most stringent requirements
35 adopted by a district which require the use of best available control
36 technology (BACT) for each class or category of portable
37 equipment determined appropriate by the state board, and which
38 requirements were in effect on January 1, 1995. In determining
39 the appropriate emission limits or emission control technology
40 requirements for classes and categories of portable equipment, the

1 state board may set different requirements for portable equipment
2 that is defined by the state board as California resident portable
3 equipment.

4 (B) Notwithstanding subparagraph (A) and, to the extent not in
5 conflict with federal law, the state board may consider technical
6 and economic feasibility in establishing emission limits or control
7 equipment requirements for any category or class of existing
8 California resident portable equipment, if all portable equipment
9 in that category or class is required to be modified or replaced to
10 meet BACT or the more stringent of a state or federal emission
11 standard, at a date determined by the state board.

12 (3) That any registered portable equipment, including any
13 turbine, used by the Department of Defense or the National Guard
14 exclusively for military technical support or other federal
15 emergency purposes, as specified in the regulations adopted by
16 the state board, is not subject to any statewide or district emission
17 control or emission limit.

18 (4) *That any portable equipment used by a groundwater licensee,*
19 *as defined in Section 43018.3, for groundwater purposes, as*
20 *defined in Section 43018.3, be exempt from a requirement that a*
21 *portable equipment engine be a certified nonroad engine pursuant*
22 *to Part 89 or Part 1048 of Title 40 of the Code of Federal*
23 *Regulations, or regulations of the state board, until five years after*
24 *the emergency declared by the Governor on February 27, 2009,*
25 *relating to a statewide water drought, has been proclaimed*
26 *terminated pursuant to Section 8629 of the Government Code.*

27 (b) No emission limit or emission control requirement shall be
28 established for any portable equipment defined by the state board
29 as California resident portable equipment unless the state board
30 determines that the emission limit or emission control requirement
31 is technologically and economically feasible and is necessary to
32 carry out the express terms of this division, including, but not
33 limited to, Section 43013, or to attain or maintain state or federal
34 ambient air quality standards.

35 (c) Prior to adopting any emission limit or emission control
36 requirement, the state board shall consider the magnitude of the
37 resultant air quality benefits and the potential effects of the
38 regulation on the costs to businesses that use the portable
39 equipment.

(d) The emission limits established for any portable equipment or class of portable equipment shall reflect the effectiveness of all control equipment installed and operated on the portable equipment or particular class of portable equipment.

(e) No emission limits other than those established by the state board for any portable equipment or class of portable equipment shall be used by a district for purposes of calculating and reporting emissions from portable equipment subject to this article.

(f) Any recordkeeping and reporting requirements prescribed by the state board for the purpose of tracking portable equipment utilization and movement shall be the minimum that is necessary to provide sufficient emission inventory data and allow adequate enforcement of the registration program.

(g) Source testing of portable equipment emissions for registration purposes shall not be required if there is no emission standard applicable to portable equipment, or if acceptable emissions data is available. For purposes of this subdivision, “acceptable emissions data” means emissions data representative of current portable equipment operations that is either reliable emissions data from the portable equipment manufacturer or a source test performed within three years prior to the date that the emissions data is requested.

SEC. 3. Section 43018.3 is added to the Health and Safety Code, to read:

43018.3. (a) As used in this section, the following terms have the following meanings:

(1) “Groundwater licensee” means a person holding a C-57 or C-61 (D-21 subcategory) license issued by the Contractors’ State License Board.

(2) “Groundwater purposes” means water well drilling, reconstruction, or well maintenance, or water pump installation, repair, or maintenance.

(b) Until five years after the emergency declared by the Governor on February 27, 2009, relating to a statewide water drought, has been proclaimed terminated pursuant to Section 8629 of the Government Code, the state board shall not impose an emission control requirement on an off-road or on-road vehicle used by a groundwater licensee for groundwater purposes, that would have the effect of requiring the groundwater licensee to

1 *replace an off-road or on-road vehicle before the end of its useful*
2 *life.*

3 *(c) If the state board, consistent with the time period described*
4 *in subdivision (b), imposes a requirement on an off-road or on-road*
5 *vehicle used by a groundwater licensee for groundwater purposes,*
6 *that would have the effect of requiring the groundwater licensee*
7 *to replace an off-road or on-road vehicle before the end of its*
8 *useful life, the state board shall work with relevant stakeholders,*
9 *including those representing the interests of the groundwater*
10 *industry, to reduce the regulatory burden on groundwater licensees*
11 *by extending compliance times for specialty and low or limited*
12 *mileage vehicles used by groundwater licensees for groundwater*
13 *purposes.*

14 *SEC. 4. Section 43018.4 is added to the Health and Safety*
15 *Code, to read:*

16 *43018.4. (a) The state board shall evaluate existing regulations*
17 *adopted by the state board on or before December 31, 2009,*
18 *imposing requirements on portable engines, off-road vehicles, or*
19 *on-road vehicles, and amend those regulations where necessary*
20 *to minimize the adverse impacts of multiple regulations adopted*
21 *by the state board on those regulated by the regulations.*

22 *(b) The state board shall not impose reporting requirements for*
23 *off-road diesel-fueled fleets until January 1, 2015, at the earliest.*

24 ~~SECTION 1. Section 2883 of the Business and Professions~~
25 ~~Code is repealed.~~

26 ~~SEC. 2. Section 2883 is added to the Business and Professions~~
27 ~~Code, to read:~~

28 ~~2883. (a) The board shall, through an official representative,~~
29 ~~inspect all vocational nursing schools in this state at regular~~
30 ~~intervals and at other times that the board deems necessary. These~~
31 ~~inspections shall be conducted by a site visit or by a review of~~
32 ~~documents required by the board, or both, as determined by the~~
33 ~~board. As used in this subdivision, "documents required by the~~
34 ~~board" means only those documents that are relevant to a~~
35 ~~determination of whether the school meets the requirements of~~
36 ~~this article as prescribed by the board.~~

37 ~~(b) The representative shall prepare for the board a written report~~
38 ~~of the representative's inspection. Based upon the report, the board~~
39 ~~shall approve as accredited the schools that meet the requirements~~
40 ~~of this article as prescribed by the board.~~

1 ~~(e) If the board determines that a school does not meet those~~
2 ~~requirements, the board shall immediately deliver to the school a~~
3 ~~written notice of the school's defect or defects. If the school does~~
4 ~~not correct the specified defects within a reasonable time, the board~~
5 ~~may: (1) deny initial placement on the accredited schools list of a~~
6 ~~school conducting its initial class, or (2) remove a school from the~~
7 ~~accredited schools list. In each case, the board shall deliver to the~~
8 ~~school a written notice of its action.~~

9 ~~SEC. 3. Section 4532 of the Business and Professions Code is~~
10 ~~repealed.~~

11 ~~SEC. 4. Section 4532 is added to the Business and Professions~~
12 ~~Code, to read:~~

13 ~~4532. (a) The board shall, through an official representative,~~
14 ~~inspect all psychiatric technician schools in this state at regular~~
15 ~~intervals and at other times that the board deems necessary. These~~
16 ~~inspections shall be conducted by a site visit or by a review of~~
17 ~~documents required by the board, or both, as determined by the~~
18 ~~board. As used in this subdivision, "documents required by the~~
19 ~~board" means only those documents that are relevant to a~~
20 ~~determination of whether the school meets the requirements of~~
21 ~~this article as prescribed by the board.~~

22 ~~(b) The representative shall prepare for the board a written report~~
23 ~~of the representative's inspection. Based upon the report, the board~~
24 ~~shall approve as accredited the schools that meet the requirements~~
25 ~~of this article as prescribed by the board.~~

26 ~~(c) If the board determines that a school does not meet those~~
27 ~~requirements, the board shall immediately deliver to the school a~~
28 ~~written notice of the school's defect or defects. If the school does~~
29 ~~not correct the specified defects within a reasonable time, the board~~
30 ~~may: (1) deny initial placement on the accredited schools list of a~~
31 ~~school conducting its initial class, or (2) remove a school from the~~
32 ~~accredited schools list. In each case, the board shall deliver to the~~
33 ~~school a written notice of its action.~~